

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION AT COLUMBUS**

IN RE: OHIO EXECUTION  
PROTOCOL LITIGATION

: Case No. 2:11-cv-1016

District Judge Edmund A. Sargus, Jr.  
: Magistrate Judge Michael R. Merz

This document relates to:  
Plaintiff Cleveland Jackson

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**DECISION AND ORDER DENYING PLAINTIFF CLEVELAND  
JACKSON'S SUPPLEMENTAL MOTION FOR PRELIMINARY  
INJUNCTION AGAINST THE USE OF EXPIRED EXECUTION  
DRUGS**

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This consolidated method of execution case is before the Court on Plaintiff Cleveland Jackson's Supplemental Motion for Preliminary Injunction against the use of Expired Drugs (ECF No. 2437).

The parties have unanimously consented to Magistrate Judge jurisdiction under 28 U.S.C. § 636(c) for Cleveland Jackson's case and the case has been referred on that basis.

The instant Motion was filed on September 3, 2019, when the parties had learned by deposition testimony that all execution drugs specified in the Execution Protocol (01-COM-11) had expired, but ODRC had not unequivocally committed to not using those expired drugs in Cleveland Jackson's execution. However, on Defendants' Motion with the consent of Plaintiffs, the Court ordered those drugs destroyed (ECF Nos. 2487 and 2488) and Defendants have now filed the Declaration of Defendant Annette Chambers-Smith that the destruction is complete (ECF No. 2560).

Accordingly, Cleveland Jackson's Supplemental Motion for Preliminary Injunction is denied as MOOT.

September 27, 2019.

s/ *Michael R. Merz*  
United States Magistrate Judge